



**PRESENT:**

Mr. Sherman W. Litton, Chairman  
Mr. Jack R. Wilson, III, Vice-Chairman  
Mr. Russell J. Gulley  
Mr. F. Wayne Bass  
Mr. Daniel A. Gecker  
Ms. Beverly F. Rogers, Acting Secretary to the  
Commission and Assistant Director, Zoning and  
Special Projects, Planning Department

**ABSENT:**

Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Teresa C. Davis, Administrative Secretary, Zoning and  
Special Projects, Planning Department  
Mr. J. Michael Janosik, Planning Administrator,  
Planning Department

Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Doug Mawby, Senior Planner, Development  
Review, Planning Department  
Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department  
Ms. Vanessa N. Kent, Secretary, Administrative  
Branch, Planning Department  
Ms. Deanna D. Harkabus, Administrative Secretary,  
Administrative Branch, Planning Department  
Mr. Jeffrey L. Mincks, Deputy County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Assistant Fire Marshal Steve Hall, Fire and Life Safety,  
Fire Department  
Dr. Billy K. Cannaday, Jr., Superintendent,  
School Administration  
Ms. Kathryn S. Kitchen, Asst. Superintendent for  
Business and Finance, School Administration  
Ms. Dianne E. Pettitt, Chairman, School Board,  
Clover Hill District  
Mr. Tom Doland, Vice Chairman, School Board,  
Matoaca District

#### **7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

#### **A. INVOCATION.**

Mr. Gulley presented the invocation.

#### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

**C. REVIEW MEETING PROCEDURES.**

Ms. Rogers apprised the Commission of the agenda for the upcoming months, noting the May 17, 2005, agenda was comprised of thirteen (13) cases; the June 21, 2005, agenda was comprised of fifteen (15) cases; the July 19, 2005, agenda was comprised of fifteen (15) cases; and the August 16, 2005, agenda was comprised of five (5) cases.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to reorder Item XI, Rezoning Requests and the Code Amendment relating to Home Occupations, listed in Item VII, be moved ahead of Item X, Comprehensive Plan Amendment relating to the Public Facilities Plan.

Mr. Gulley stated that he felt the discussion relative to the Home Occupation Code Amendment would be primarily among the Commission and staff asked that the item placed after the Comprehensive Plan Amendment relative to the Public Facilities Plan.

In response to a comment from Mr. Litton, Mr. Gulley stated, based on the information he received prior to the meeting, he was not certain the Commission would taken action on the Amendment this evening; that the Commission may wish to defer the item for further discussion; and stated his preference would be that the item be deferred to the May Work Session.

Mr. Gecker amended his motion, seconded by Mr. Wilson, that the Commission amend the agenda to reorder Item XI, Rezoning Requests to be moved ahead of Item X, Comprehensive Plan Amendment relating to the Public Facilities Plan and that the Code Amendment relating to Home Occupations be deferred to the May 17, 2005, Planning Commission Work Session for further discussion and action at the 7:00 p. m. Evening Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

♦ **DEFERRED ITEM – ARCHITECTURAL PLAN.**

**(NOTE: ON APRIL 19, 2005, THE COMMISSION HELD AND CLOSED A PUBLIC HEARING ON THE FOLLOWING ITEM AND DEFERRED ACTION ON THE ITEM UNTIL THIS DATE.)**

**05PR0268:** In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT CORPORATION** requested Planning Commission approval for architecture, as required by zoning Case 83SN0141. This project is commonly known as **MIDLOTHIAN VILLAGE SQUARE**. This request lies in a Community Business (C-3) District on an 8.2 acre parcel fronting approximately 560 feet on the south line of Midlothian Turnpike, east of Charter Colony Parkway. Tax ID 727-708-5604 (Sheet 5).

Mr. Gecker presented a brief summary of the case history; stated he had spoken with the Wawa representative to advise him that Wawa, as a business, was certainly welcome in not only the district but in

the Midlothian area; and that he understood Wawa had plans to locate in the area soon regardless of the outcome of this request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of the architectural style and quality of buildings for the Wendy's, Primrose and Goode buildings, as identified by the renderings/elevations and as identified by the location and orientation on the site layout plan outlined in the "Request Analysis" for Case 05PR0268, Commercial Land Corporation (Midlothian Village Square), dated April 19, 2005; and further recommended denial of the architectural style and quality of building for the Wawa Building and gas canopy, as represented by the elevations and by the location and scale of the canopy on the site layout plan for Case 05PR0268, Commercial Land Corporation (Midlothian Village Square), for the following reasons:

- 1.) The primary use of the projected pediment over the front entrance is for commercial signage. The application of commercial signage onto a significant architectural element is not exemplified in either Sycamore Square or Midlothian Station.
- 2.) In addition, I am concerned that the scale of the gas pumps and the canopy between the Wawa Building and Midlothian Turnpike introduces a massing of elements that interrupts the perception of architectural style and building quality, as viewed by the public using Midlothian Turnpike and far exceeds the scale of those elements shown on the Master Plan to the extent that the architectural style cannot be viewed as similar to that exemplified in Sycamore Square and Midlothian Station.

Mr. Gulley stated, from his perspective, he had seen what he felt was compelling evidence that he could not agree with Mr. Gecker; that he anticipated litigation would be forthcoming; and could not support the motion.

Mr. Bass concurred with Mr. Gulley; stated he felt Wawa would be the best vendor for the gas station on the site; that he was afraid a less acceptable use would locate there; and that he could not support Mr. Gecker's motion.

Mr. Gecker stated he anticipated there would be litigation; however, the Court could decide if the material submitted was, in fact, a rendering, as required, or was, in fact, a mere elevation with regard to the structure.

AYES: Messrs. Litton, Wilson and Gecker.

ABSENT **NAYS:** Messrs. Gulley and Bass.

♦ **REQUESTS FOR WITHDRAWALS OR DEFERRAL BY APPLICANT, STAFF AND/OR INDIVIDUAL COMMISSIONERS.**

**05SN0206:** In Bermuda Magisterial District, **DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE** requested deferral to May 17, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting

approximately 500 feet on the west line of Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

No one came forward to represent the request.

Staff noted the applicant had submitted written documentation requesting deferral to the May 17, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0206 to the May 17, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0210:** In Clover Hill Magisterial District, **WAL-MART SUPERCENTER #2808** requested deferral to October 18, 2005, of consideration for amendment to Conditional Use Planned Development (Case 98SN0176) and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Community Business (C-3) District on 20.4 acres fronting approximately 750 feet on the north line of Hull Street Road, also fronting approximately 1,050 feet on the west line of Warbro Road and located in the northwest quadrant of the intersection of these roads. Tax ID 738-681-1384 (Sheets 10 and 16).

Mr. Ed Kidd, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0210 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0211:** In Bermuda Magisterial District, **WAL-MART SUPERCENTER #1524** requested deferral to October 18, 2005, of consideration for Conditional Use and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a General Business (C-5) District on 20.4 acres fronting approximately 450 feet on the south line of Iron Bridge Road approximately 200 feet west of South Chalkley Road, also fronting approximately 850 feet on the west line of South Chalkley Road approximately 200 feet south of Iron Bridge Road. Tax IDs 778-652-2898 and 7889 (Sheet 26).

Mr. Ed Kidd, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0211 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0212:** In Midlothian Magisterial District, **WAL-MART SUPERCENTER #1969** requested deferral to October 18, 2005, of consideration for amendment to Conditional Use Planned Development (Case 03SN0246) and amendment of zoning district map to permit a check cashing business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use and planned transition area use. This request lies in a Community Business (C-3) District on 25.2 acres fronting approximately 1,100 feet on the north line of Midlothian Turnpike, also fronting approximately 1,100 feet on the west line of Walmart Way and located in the northwest quadrant of the intersection of these roads. Tax ID 735-708-1350 (Sheet 6).

Mr. Ed Kidd, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0212 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**05SN0197:** In Dale Magisterial District, **KENNETH W. BROADWATER** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 8.9 acres fronting approximately 850 feet on the south line of Little Creek Lane, approximately 180 feet west of Meadwood Circle, also fronting approximately 300 feet on the north line of Watchrun Drive across from Watchrun Court. Tax IDs 779-682-5326, 6825 and 7162 (Sheets 12 and 18).

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0197 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:
  - a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005: or
  - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. In the event the cash proffer is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payer. (B&M)
3. The minimum gross floor area for one story dwelling units shall be 1600 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
4. Lots shall have a minimum of 12,000 square feet. (P)
5. The maximum number of lots shall be twenty-two (22). (P)
6. Manufactured homes shall not be permitted. (P)
7. All exposed portions of the foundation of each new dwelling unit and all exposed piers supporting front porches shall be faced with brick or stone veneer. (P&BI)
8. Other than a single private drive to serve the existing dwelling unit located on Tax ID 779-682-5326, there shall be no access from the property to Watchlight Road. (T)
9. In conjunction with recordation of the initial subdivision plat, thirty (30) feet of right-of-way on the south side of Little Creek Lane, measured from the centerline of that part of Little Creek Lane immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. All accesses, including driveways, onto Little Creek Lane shall be located to minimize lights from vehicles exiting the property from shining directly into dwelling units located across Little Creek Lane existing at time of tentative subdivision review. At time of tentative subdivision review, the exact locations of these accesses shall be approved by the

Transportation Department, and the access restriction shall be identified and noted on the record plat. (T)

11. In conjunction with the initial development on the property, the ditch along the south side of Little Creek Lane shall be relocated to provide a six (6) foot wide shoulder, with modifications approved by the Transportation Department. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County any additional right-of-way (or easement) required for this road improvement. (T)
12. The developer shall provide a ten (10) year post development storm water retention basin with a release rate of a two (2) year predevelopment storm on the site or improve the existing culverts at the end of Watchrun Drive to meet current drainage standards. (EE)
13. Where buffers are required by Subdivision Ordinance on Little Creek Lane, Watchlight Road and Watchrun drive, the required landscaping shall be supplemented with two (2) staggered rows of Leland cypress having an initial minimum height of four (4) feet and planted ten (10) feet on center. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0198:** In Clover Hill Magisterial District, **FINER HOMES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 units per acre. This request lies on 22.9 acres and is known as 4701 N. Bailey Bridge Road. Tax ID 741-678-5255 (Sheet 16).

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0198 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:
  - a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005: or
  - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.



In the event the cash proffer is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payer. (B and M)

3. The minimum gross floor area for all dwelling units shall be 1800 square feet. (P)
4. Manufactured homes shall not be permitted. (P)
5. All exposed portions of the foundation of each new dwelling unit and all exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. There shall be no access to Bailey Bridge Road except for driveway which is serving existing dwelling. (T)
7. There shall be no more than 2.5 lots per acre. (P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land use disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
9. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right of way along the eastern line of Bailey Bridge Road, measured from the centerline of that part of the road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SR0215:** In Clover Hill Magisterial District, **BANNER CHRISTIAN SCHOOL** requested renewal of Conditional Use (Case 03SN0285) and amendment of zoning district map to permit private school use in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.3 acres and is known as 1501 South Providence Road. Tax ID 755-698-4828 (Sheet 7).

Mr. Tom Birkette, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SR0215, subject to the following conditions:

#### CONDITIONS

1. The operation of the private school shall be in conjunction with church use only. (P)

2. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards for fifty (50) foot buffers in the Zoning Ordinance.
  - b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
  - c. Any new playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)
3. Any new development to accommodate the use shall comply with Emerging Growth District standards for Corporate Office (O-2) Districts. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0218:** In Dale Magisterial District, **ALLIED (RICHMOND) LAND COMPANY** requested rezoning and amendment of zoning district map from Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.00 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01 units per acre or more. This request lies on 6.8 acres fronting approximately 400 feet on the west line of Belmont Road, approximately 200 feet north of Stella Road. Tax ID 772-692-3366 (Sheet 11).

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0218, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

A temporary model home (sales office) shall be permitted in a modular office unit provided until such time as the first occupancy permit for a dwelling unit is issued. (P)

## PROFFERED CONDITIONS

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated April 11, 2005, shall be considered the Master Plan. (P)
2. Cash Proffer. The Applicant shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the Property:
  - a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
  - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. Should Chesterfield County impose impact fees at any time during the life of this development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of, or credited toward, but not in addition to, any impact fees, in a manner determined by the County.
  - d. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Dedication. In conjunction with recordation of the initial subdivision plat, the Applicant shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, forty-five (45) feet of right-of-way on the west side of Belmont Road, measured from the centerline of that part of Belmont Road immediately adjacent to the Property. (T)
5. Access Roads. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from these roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

6. Sidewalks and Trails. Sidewalks and trails shall be provided to facilitate pedestrian access within the development. Sidewalks shall be provided generally along each side of interior roads, including access roads from Belmont Road into the Property, and along that side of any common driveway or parking area on which residential units front. Trails shall be provided generally along the perimeter of the Property. (P)
7. Street Trees. Street trees in accordance with the requirements of the Zoning Ordinance shall be installed along each side of the interior roads and common driveways, including entrance roads from Belmont Road into the Property. If existing trees are maintained, they may be counted toward this requirement. (P)
8. Tree Preservation Area. A twenty (20) foot tree preservation strip shall generally be maintained along the perimeter of the Property adjacent to Tax IDs 7726933904 and 7716927782. This tree preservation area shall be located in common open space. Within this area, trees that are six (6) inches in caliper or greater shall be retained, except that the following shall be permitted: removal of dead or diseased trees; utilities crossing the preservation strip in a generally perpendicular fashion; pedestrian trails; and water quality or retention/detention facilities. (P)
9. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at time of subdivision tentative review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement, and species of plantings. (P)
10. Building Materials. Dwelling units shall be constructed with materials such as: brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. (P)
11. Open Space/Recreation Area. A minimum of 0.75 acres of open space/recreation shall be provided to provide a focal point. Part of this area shall be "hardscaped" and have benches or other amenities that accommodate and facilitate gatherings. A portion of the focal point may include area devoted to best management/stormwater facilities. (P)
12. Minimum Dwelling Size. The minimum gross floor area for dwelling units shall be 1,100 square feet. (P)
13. Access to Belmont Road. Direct access from the Property to Belmont Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
14. Garage Orientation. Each townhouse unit shall be designed and constructed so that it either (a) has no garage, or (b) has a garage that is side-loaded or rear-loaded. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0244:** In Bermuda Magisterial District, **JUSTIN L. BURKEY, JR.** requested amendment to zoning (Case 78S154) and amendment of zoning district map relative to vehicle storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in a General Business (C-5) District on 1.0 acre and is known as 14910 Jefferson Davis Highway. Tax ID 800-641-7479 (Sheet 34).

Mr. Justin Burkey, Jr., the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0244.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0229:** In Dale Magisterial District, **GEORGE P. EMERSON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-40). Residential use of up to 1.09 units per acre is permitted in a Residential (R-40) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on twenty (20) acres lying approximately 5,900 feet off the east line of Nash Road, measured from a point approximately 1,175 feet north of Eastfair Drive. Tax ID 769-652-7448 (Sheet 25).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0229 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

In connection with the Zoning Application filed in connection with the above property, the Applicant makes the following proffers: The property owner and developer (the "Developer" in this zoning case, pursuant to 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County for themselves or their successors or assigns proffer that the development of the property known as Tax ID No. 769-652-7448-00000 (the "Property") under consideration will be developed according to the following conditions, if, and only if, the rezoning request applied for herein is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supercede all proffers and conditions not existing on the property.

1. (a) If the existing dam and pond straddling an adjacent property line is used for the project's BMP, then it shall be retrofitted to meet current day standards as outlined

in the Environmental Engineering reference manual to include, but not limited to, property primary spillways, emergency spillways, and structural stability. The retrofit design shall be performed by a qualified professional and all remedial action shall take place in conjunction with that phase of development which is located within the dam's contributory drainage way.

- (b) If the proper easements can not be obtained to retrofit the existing facility, identified in item 1(a), upstream BMPs shall be constructed to render the existing primary spillways adequate to pass the ten (10) year storm. (EE)
- 2. Timbering With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department, and the approved devices have been installed. (EE)
- 3. Trail/Open Space along Swift Creek An open space area, a minimum of 150 feet in width shall be provided along the length of Swift Creek from the northern to the southern parcel boundaries. Within this area the developer shall provide a trail. The exact length, width, and treatment of the trail shall be submitted to the Department of parks and Recreation for comments. The open space/trail shall be owned and maintained by the homeowners Association.. (P&R)
- 4. Covenants Conditions, and Restrictions It is the intention of the Applicant to incorporate the lots in this parcel into the Community known as the Highlands and to that end, restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat for the Property, which will subject said lots to all the covenants, conditions, and restriction currently in effect in all sections of the Highlands. (P)
- 5. Manufactured Homes.
  - a. Manufactured homes shall not be permitted on the Property. This proffered condition shall not be interpreted to prohibit the installation of any mobile real estate sales office permitted on the property by an approved Conditional Use, which shall not be used for dwelling purposes.
  - b. The following shall be recorded as a restrictive covenant in conjunction with the recordation of any subdivision plat for the property: "No manufactured homes shall be allowed to become a residence, temporary or otherwise." (P)
- 6. Cash Proffer.
  - a. Except as otherwise provided herein, for each single family residential dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$11,500.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit as adjusted upward by

any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. The per dwelling unit cash proffer amount shall be prorated among schools, roads, libraries, fire stations, and parks and recreation facilities by the County's Department of Budget and Management.

- b. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**05SN0192:** In Clover Hill Magisterial District, **SBF LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.51 to 4.0 units per acre. This request lies on 57.4 acres fronting approximately 400 feet on the northeast line of Reams Road, also fronting approximately 600 feet on the southeast line of Arch Hill Drive and located in the southeast quadrant of the intersection of these roads. Tax IDs 752-700-2512 and 6421 (Sheet 6).

Ms. Orr presented an overview of the request and staff's recommendation for approval subject to the applicant adequately addressing the impact of the request on capital facilities. She referenced the Addendum noting the applicant had submitted revisions to Proffered Conditions 5 and 8 relative to the number of proposed lots and the transportation contribution.

Mr. Andy Scherzer, the applicant's representative, stated the proposed project was essentially in-fill development; noted the applicant had proffered conditions to address house size, foundation treatments, timbering of the subject property, public utilities, right of way dedication and drainage as well as having provided monies to address road improvements within or to benefit the traffic shed for this development; and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gulley, Mr. McCracken addressed transportation concerns, specifically traffic problems at the Reams Road intersection, noting analysis had identified the corridor as a safety hazard and indicating the applicant's contribution would move the project for road improvements in the area forward more quickly.

In response to a question from Mr. Wilson, Mr. McCracken stated, although while not correcting all the problems, the applicant's contribution would serve to improve the existing situation in the corridor and improve the level of service.

Mr. Gecker stated, given the size of this request, he felt the proposed development would have a small impact on capital facilities; however, if the proposal were of a larger size, he felt the idea of taking money away from capital facilities (i.e., schools, in particular) on a County-wide basis, would set a dangerous precedent long-term.

Mr. Wilson stated he agreed with Mr. Gecker and supported this request; however, he did not wish his action to be perceived as support for similar future requests.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0192 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. A maximum of twenty (20) additional dwelling units for a cumulative total of twenty-two (22) dwelling units shall be permitted on the property. (P)
6. No direct access, other than the two (2) existing driveways, shall be provided from the property to Reams Road. (T)
7. In conjunction with the recordation of the initial subdivision plat, or within thirty (30) days from a written request by the Transportation Department, whichever occurs first, forty five (45) feet of right-of-way on the north side of Reams Road, measured from the centerline of that part of Reams Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
8. At time of recordation of the initial subdivision section, the applicant, his successor, or his assigns shall either: (i) pay to Chesterfield County the sum of \$260,000.00; or (ii) provide Chesterfield County with a bond or surety, in a form acceptable to the County Attorney, in the amount of \$260,000.00 that shall provide for payment of the \$260,000.00 to Chesterfield County within thirty (30) days of a written request by the Transportation



Department. The payment shall be used for road improvements within Traffic Shed 4 or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department. The payment could be used towards road improvements to Reams Road. (T)

9. Drainage from the impervious surfaces of roofs and driveways on lots abutting Tax ID 752-699-8989 shall outfall into a swale provided for this purpose along the northern property line of Tax ID 752-699-8989. (EE)
10. The developer shall be responsible for notifying by registered, certified or first class mail the adjacent owners of the submission of any tentative subdivision plans for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **COMPREHENSIVE PLAN AMENDMENT.**

- ◆ Amendment to the Comprehensive Plan relating to the Public Facilities Plan.

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Amendments to the Chesterfield County Public Facilities Plan, an element of The Plan For Chesterfield, adopted April 14, 2004, are proposed: 1) elimination of the recommendation (Page PF32) that reads, "Construct a new middle school in the Courthouse Road area, between Hull Street and Reams Roads, or in the vicinity of the west Hull Street corridor, between Woodlake Parkway and Baldwin Creek Road" and add the following recommendation, "Construct a new middle school at, or east of Route 288, north of Hull Street Road and south of Midlothian Turnpike" and 2) in addition, review and possibly amend the recommended locational criteria and opening date for a replacement of the current Clover Hill High School facility. The present criteria recommends that the facility "should be located in the area generally north of Hull Street Road and east of Old Hundred Road and open in 2009 or later." Amendments could change the recommended location and could propose a different recommended opening (Page PF31).

◆ ◆ ◆

Mr. Larson presented a summary of the proposed amendments.

Ms. Dianne Pettitt, Clover Hill District School Board member, endorsed the proposed amendments that addressed the location of the new middle school, which was approved in the recent bond referendum. She noted it was critical that the School Board move forward with the changes to accommodate opening the new middle school in Fall 2008. Further, she requested, on behalf of the School Board, that the Commission approve an amendment to provide another middle school in the West Hull Street Corridor, as population growth might indicate, by adding language stating, "construct a new middle school in the vicinity of the West Hull Street Corridor between Woodlake Parkway and Baldwin Creek Road." She stated the proposed amendment would give the School Board the flexibility in planning for future growth in that area.

Mr. Tom Dolan, Matoaca District School Board member, concurred with Ms. Pettitt's endorsement of the proposed amendments, noting he felt the western site opportunity needed to be included in the Public Facilities Plan not only to meet current, but future, needs due to area growth and that he supported any language providing the School Board with the flexibility to address the western need.

Mr. Gecker stated he personally appreciated Ms. Pettitt's attendance at the meeting and the finalizing of an understanding made between the School Board and the Board of Supervisors prior to the decision to proceed with the bond referendum. He stated there was much discussion last year relative to the Public Facilities Plan process, in particular much concern was expressed about the location of middle schools. He stated he personally favored a western site, as well as an eastern site for the middle schools, based on data provided by Planning staff (east to him meaning closer to Courthouse Road than the current proposal near Route 288). He stated there was a compromise reached which allowed the bond referendum to proceed, siting a middle school at, or near, Route 288 and allowing the replacement of Clover Hill High School in lieu of a second middle school. He stated the Board of Supervisors had taken action to commence the steps necessary to acquire a specific site that would comply with the alternative location, at or near, Route 288. He stated the Commissioners believed it would be unfortunate to have the Board of Supervisors acquire a site that would not comply with the current Public Facilities Plan and, therefore, this action was necessary to formalize the agreement between the Board of Supervisors and the School Board as to the location of a future middle school. He stated, with the School Board having come forward with endorsement of the amendments, he assumed that there was no sentiment among the Commission to amend the Public Facilities Plan with regard to Clover Hill High School; that he would expect there would be sentiment to support the compromise site; and he would support a second amendment to the Public Facilities Plan to provide a western middle school (i.e., west of Swift Creek) in 2012-2022, as requested by the School Board.

In response to questions from Mr. Bass, Dr. Cannaday addressed the proposed location for the new middle school; current and future area middle school capacities; relief to overcrowded capacities at Bailey Bridge and Swift Creek Middle Schools; and other concerns. He stated the School Board realized that relief was needed sooner than later and in their resolution, which he fully supported, there was an agreement reached which would permit the construction of a school, to be occupied by Fall 2008, to provide immediate relief. He stated he also supported the request for an additional amendment to the Public Facilities Plan that would allow a second middle school to the west to accommodate future growth in 2012-2022.

In response to questions from Mr. Gulley, Dr. Cannaday stated the only action taken by the School Board with respect to the current Plan transpired in August 2004 and, at that time, they agreed on what the locational criteria should be relative to the two (2) middle schools (i.e., one east and one west). He stated the proposed language would accommodate future needs to the west; the bond referendum went forward based on the language proposing a middle school at, or east of, Route 288, north of Hull Street Road and south of Midlothian Turnpike; and the information shared at all the bond referendum meetings was actually noted as such on the maps shared at each of the community meetings. He reiterated that the language presented at each of the hearings and the language on which the Board took formal action was the same language as that being presented to the Commission for modification this evening. He added that all the presentations were consistent and at no time was there any intimation, by word or diagram, that there was a site other than the criteria which the Board approved in August 2004.

When asked, approximately twenty (20) individuals stood to indicate they wished to address the proposed amendments.

Mr. Litton opened the discussion for public comment.

Ms. Shelly Shutte, a resident of Hampton Park, accompanied by two (2) of her children, stated she felt Chesterfield County was in crisis with respect to the overcrowding situation in the schools and the western corridor of the County was in dire need of assistance; that she felt she had been misled by the School Board with respect to the bond referendum; and asked that the Commission vote for a recommendation that would be in the best interest of all citizens, not just one (1) location.

Mr. Mike Kirk, a resident of the Matoaca District, stated the County was embarking on an unprecedented and necessary wave of public spending for school facilities in the County. He stated any proposed amendment should include pertinent information or legal basis for the proposed changes and, absent this information, it was impossible for the public to support or oppose the amendment. He stated action at this time was premature and inappropriate because the public had not been made aware of the public benefit nor had they participated in any process to amend the locational criteria already established in the Public Facilities Plan.

Ms. Andrea Epps, a County resident and parent, addressed the Public Facilities Plan introduction and Planning Commission By-Laws relative to public input into the processes and responsibilities for guiding the education of the children of the County. She presented a PowerPoint presentation of information relative to existing/anticipated school enrollment capacities; overcrowded school locations; planned improvements to existing schools; and asked that politics be put aside and consideration be given to the human element of this situation.

Mr. Tony Giordano, President of the Brandermill Community Association, voiced opposition to the amendment, expressing concerns relative to the lack of timely public notice; school boundary lines; potential locations of school sites; overcrowded conditions at Bailey Bridge and Swift Creek Middle Schools; bussing of students; travel times to reach schools; and other concerns. He stated the need for a new middle school was in the western portion of the County, not the eastern portion.

Ms. Kathleen Martin, a County resident and parent of school-age children, stated there were several flaws in the analysis used in the Public Facilities Plan recommendation for a new middle school in the northeastern region of the County, citing the capacities and locations of the various schools as listed in the Plan. She stated the area west of Swift Creek Reservoir had no middle schools and the students were all bussed eastward to Swift Creek or Bailey Bridge Middle Schools; the analysis of the Public Facilities Plan did not justify the construction of a middle school in the northeast; Brandermill opposed any solution that would adversely affect the Swift Creek students by bussing them eastward; and urged the Commission to not delete the western location for a middle school from the Public Facilities Plan.

Master Alex Wilson, a resident of Hampton Park, expressed concerns that failure to approve a new middle school to relieve overcrowding at Swift Creek and Bailey Bridge Middle Schools would result in his having to attend a substandard, overcrowded school and asked the Commission to recommend approval of a new middle school in the western portion of the County.

Ms. Julie Sylvester, a resident of Hampton Park, expressed concerns relative to the overcrowded conditions of the Swift Creek area middle schools; indicated data supported the location of a new middle

school in the western portion of the County; and stated, in her opinion, the location was not based on budget constraints but rather on political appointments.

Ms. Kitty Snow, a County resident, expressed concerns relative to overcrowded area schools, bussing of students, existing and anticipated residential development in the Upper Swift Creek area overwhelming infrastructure and school capacities, the voter mandate in the last bond referendum that promised a new middle school in the western portion of the County to relieve capacities at Swift Creek and Bailey Bridge Middle Schools, etc. She stated she felt parents were blackmailed into voting for the bond referendum and now officials were not honoring their promises. In response to Ms. Snow's request, approximately thirty (30) persons stood to indicate they concurred with her comments.

Mr. Jeff Hill, a Hampton Park resident, asked the Commission to "do the right thing" by not eliminating the western school site.

Mr. Keith Fritz, representing the Brandy Oaks Subdivision, asked that the Commission reaffirm the existing Public Facilities Plan and not eliminate the western school site, noting that long bussing commutes for students led to disinterest in school attendance and activities.

Mr. Bob Herndon, a resident of Beaver Bridge Road, voiced support for a western school site location; urged the Commission to demonstrate the moral, personal courage, intelligence and intestinal fortitude to a commitment to do what was right by rejecting the proposed amendments.

Mr. John Granger, President of the Upper Swift Creek Middle School PTA and a Brandermill resident, expressed concerns relative to overcrowding of area schools, noting that logic and reason dictated where the location of a new middle school should be. He stated he felt the School Board had been forced into the compromise and that the political deals/decisions would be remembered and destroy government credibility.

Mr. Rhett DuPont, representing the Woodlake Association, stated he viewed those present as reasonable people and asked that the proposed amendments be rejected.

Mr. Bill Hastings, a Matoaca District resident, supported Dr. Dolan's remarks relative to including the western site opportunity in the Public Facilities Plan not only to meet current, but future, needs due to the area growth.

Ms. Jodie Felice, representing the Foxcroft Community Association, asked that the proposed amendments be rejected.

Mr. Bob Holdsworth, representing the Birkdale Subdivision, urged the Commission to deny the amendments and stated he supported a western school site location.

Ms. Brenda Stewart, a Matoaca District resident, addressed the process by which school sites were selected; questioned not only the authority of those individuals making decisions but also the presence of the necessary data/analysis to support/justify modifications to the Plan; and stated she felt the changes to the Public Facilities Plan were premature, noting that the public had a right to see such documentation.

Ms. Marlene Durfee, Director of the Task Force for Responsible Growth, supported a western site for a new middle school and requested its construction sooner than later. She urged the Commission to defer action for further consideration.

Ms. Mandy Wilson, President of the Hampton Park Subdivision and a member of the Task Force for Responsible Growth, presented a PowerPoint presentation addressing school capacities, school locations, attendance zones, residential growth patterns, etc. She requested the location for a middle school west of Woodlake Parkway be retained in the Plan.

Mr. Henry Cardiff, a County resident, expressed concerns relative to the manner in which the Commission voted on items and requested a role call vote by the Commission with respect to action on the proposed amendments to the Public Facilities Plan.

There being no one else to speak, Mr. Litton closed the public comment at approximately 9:22 p. m.

Mr. Bass stated he understood the citizens' position; that all the facts and figures were present; and personally he thought the School Board had been forced into a compromise. He stated, based upon previous remarks, he knew how his fellow Commissioners were going to vote but requested that the Commission accommodate the needs of his constituents by accommodating a western middle school sooner than later. He stated he intended to make a motion to deny the amendments to the Public Facilities Plan.

Mr. Wilson stated the County had limited resources and the bond referendum clearly was meant to address some of the most pressing educational, as well as other needs, in the County. He stated when he viewed the actions taken by the School Board in August 2004, and the bond referendum literature/discussions, he had to rely on the elected bodies as to what they believed to be the most pressing needs and how best to address them. He stated the amendments were consistent with the resolution that was adopted by the School Board in August 2004; the School Board meeting was a public meeting; and the bond referendum information was presented, as Dr. Cannaday said, throughout the County in a uniform manner and was clearly articulated as to the locational criteria for this particular middle school. He stated the amendment conformed to the discussions/decisions made by the School Board, the Board of Supervisors and then ultimately by the Chesterfield County citizens who approved the bond referendum. He stated he would support the amendments.

Mr. Gulley stated he was concerned with the manner in which this item came before the Commission; explained it had been the practice to place the item on the agenda for the public hearing, following discussions with the full Commission; and that the practice was not followed in this instance, noting he and Mr. Bass were not consulted, although their districts were most affected by the proposed changes. He stated he felt hundreds of citizens had no idea the process was taking place this evening. He addressed the Clover Hill High School replacement issue, noting that even though the modification was being withdrawn, it warranted comment so that the public would be aware of what had evolved in the effort to obtain a replacement for the current Clover Hill High School. He stated he and Ms. Pettitt had worked extremely hard to replace Clover Hill High School and they would have not supported the bond referendum if the Clover Hill High School replacement were not included. He referenced projects in other districts that Clover Hill District citizens had supported in previous bond referendums and noted that Clover Hill High School was the oldest high school in the County; that students were at a disadvantage because of the lack of technology that other schools had; and it was now the Clover Hill citizens turn for a new high school. He

stated had Ms. Pettitt not agreed to the compromise for the location of the middle school, there would not have been approval for replacement Clover Hill High School. He stated the Public Facilities Plan should have been amended prior to the bond referendum to address the alternative agreement; that information was not clearly conveyed to the public and people were focused on the western school site because that was what was in the Public Facilities Plan; that people thought the school would be placed in a location where it would best serve the needs/greater good of the public; what was being lost in the political struggle was the real objective which was to do what was right for the children; that the more options the School Administration/School Board had in making decisions on where the facilities would be located would benefit everyone; that he ordinarily would support the language for the western site if the 2012-2022 timeframe were not included; that if long term a site were located to relieve overcrowding at Swift Creek Middle School, he would be supportive of expanding options; and that the Centerpointe site would not address overcrowding because of the number of residentially-zoned dwellings approved in the western area. He stated he and Mr. Bass had voted consistently to deny rezoning requests in the western area because of inadequate infrastructure.

In reference to statements by Messrs. Bass and Gulley regarding the prior bond referendum, Mr. Gecker stated the Midlothian District, which supported the prior bond referendum with the highest percentage of voters, actually received no school improvements. He stated the most recent bond referendum did not accommodate the desires of the Midlothian District citizens which was an eastern middle school, built prior to two (2) high schools, and to delay replacement of Clover Hill High School. He stated, as mentioned by Mr. Gulley, Thomas Dale and Meadowbrook High Schools were renovated but at a cost a lot less than the projected cost of a new Clover Hill High School (the difference in cost between renovating and replacing Clover Hill High School being equal to the cost of one (1) new additional middle school). He stated Mr. Gulley would not have supported the bond referendum unless replacement Clover Hill was included; that, given the limited resources of the County, the high school would be replaced in lieu of constructing a second middle school; the original proposal from the School Board was for two (2) new high schools (Cosby Road and Genito Road) prior to any middle school relief; the Planning Commission insisted that middle school relief occur prior to high school relief; that the Commission, as a body, did not support Cosby Road High School but was faced with a decision on that site under the auspices of the old Public Facilities Plan; the new Public Facilities Plan would not have supported the Cosby Road High School location; and that the School Board on August 24, 2004, by resolution, voted for a more central location for a high school. He stated Clover Hill, and the area of Matoaca served by Clover Hill High School, received their desires by opting for a replacement for the high school in lieu of a second middle school; that he did not believe the compromise deal should have been cut; and the replacement of Clover Hill High School was not for capacity reasons but rather for facility reasons. He restated that his position was the amendments completed a transaction made between the Board of Supervisors, not the Planning Commission, and the School Board and that the Midlothian District would not benefit from the amendments. He stated he had always supported a new middle school in the Courthouse Road area; that demographic trends of the County indicated that a social and economic divide was being created with new facilities and wealthier people moving west and the poorer facilities being in the east; and it was important for the County to reinvest in the east to maintain stable, sustainable neighborhoods.

In response to questions from Mr. Bass, Mr. Gecker stated he did not support the compromise but placed the interest of the County above the interest of his district and that the interest of the County was to agree to the alternative location which was not in the interest of his district.

Mr. Bass made a motion to recommend denial of the amendments. His motion was seconded by Mr. Gulley.

A vote on the motion was as follows.

AYES: Messrs. Gulley and Bass.  
NAYS: Messrs. Litton, Wilson and Gecker.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following amendments:

- Elimination of the recommendation (Page PF32) "construct a new middle school in the Courthouse Road area, between Hull Street and Reams Roads, or in the vicinity of the West Hull Street Corridor, between Woodlake Parkway and Baldwin Creek Road;"
- Add the following recommendation, "construct a new middle school at, or east of Route 288, north of Hull Street Road and south of Midlothian Turnpike;" and
- Add on Page PF32 under the 2012-2022 section as item 1, "construct new middle school in the vicinity of the West Hull Street Corridor, between Woodlake Parkway and Baldwin Creek Road."

And further, to recommend that the following language not be adopted:

- In addition, review and possibly amend the recommended locational criteria and opening date for a replacement of the current Clover Hill High School facility. The present criteria recommends that the facility "should be located in the area generally north of Hull Street Road and east of Old Hundred Road and open in 2009 or later." Amendments could change the recommended location and could propose a different recommended opening (Page PF31).

AYES: Messrs. Litton, Wilson and Gecker.  
NAYS: Messrs. Gulley and Bass.

#### **F. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 9:58 p. m. to May 17, 2005, at 12:00 Noon, in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

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Chairman/Date

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Secretary/Date